IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 13963 of 2006(K)

AGAINST THE ORDER IN IA. NO. 1208/2006 IN
OS.451/2002 of MUNSIFF COURT,MUVATTUPUZHA
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PETITIONER:

PHILIP, S/O. OUSEPH,
PERINGATTU PARAMBIL VEEDU,
KUROOR KARA, KOTHAMANGALAM VILLAGE,
KOTHAMANGALAM.

BY ADV. SRI.S.V.BALAKRISHNA IYER (SR.)
SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN

RESPONDENTS:
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1. VARGHESE PETER, S/O. PATHROSE,
AGED 40, ENGINEER, CHENNEKKATTU VEEDU,
ELAMKULAM KARA, AIKKARANADU SOUTH VILLAGE.

2. POULOSE, S/O OUSEPH, AGED 59,
PERINGATTU PARAMBIL VEEDU, KUROOR KARA,
KOTHAMANGALAM VILLAGE, KOTHAMANGALAM.

BY ADV. SRI.PEEYUS A.KOTTAM for R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE APPLICATION I.A. NO. 1208 OF 2006 FILED IN O.S. NO. 451 OF 2002, MUNSIFF COURT, MUVATTUPUZHA.

/True Copy/

P.A to Judge.

M.N. KRISHNAN , J

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W.P.(C) NO. 13963 OF 2006

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Dated this the 20th day of August, 2007.

JUDGMENT

This writ petition is filed for a direction calling for Ext.P1 and then allow the same. The suit is one for an injunction and it is the case of the present writ petitioner that the plaintiff is only entitled to 2.19 acres of land and the one acre which is situated on the eastern side does not belong to him and the writ petition is got in possession and he had obtained properties by virtue of registered documents. Ext.P1 is pending consideration before the Court for the issuance of a Commission. From the nature of contentions between the parties it appears that a commissioner's plan and report is necessary for a proper disposal of the case. Therefore, I direct the court below to consider Ext.P1 application and pass appropriate orders and in case of permitting a commissioner to be appointed direct the parties to file a work memo before the Commissioner so that all the points required to be noted by both the parties can be done by the commissioner. The court below is directed to dispose of Ext.P1 application within a time frame of one month from today.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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